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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/613,140

07/03/2003

Peter D. Rail

LEDS.00108

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10/05/2006

EXAMINER

NGUYEN BA, PAUL H

GARDERE/EDS

GARDERE WYNNE SEWELL INTELLECTUAL PROPERTY

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DALLAS, TX 75201-4761

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,140

Applicant(s)

RAIL ET AL.

Examiner

Paul Nguyen-Ba •

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15,17-47 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10-15, 17-47, 51-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413) *
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This action is responsive to Applicant's Amendments and Remarks filed on 7/18/2006.
2. Claims 1, 3-8, 10-15, 17-47, and 51-53 are currently pending. Claims 1, 8, 15, 22, 28, 34, 40 are independent claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. **Claims 1, 3-7, 8, 10-14, 15, 17-21, and 51-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claims 1, 8, and 15, the claim language, "without affecting repository settings," renders the claims, when taken as a whole, indefinite because it is difficult for the Examiner and the public to determine the metes and bounds of the claimed invention.

It is unclear whether the language "without affecting repository settings" precludes any and all ability for the repository's settings and functions to adjust to changed configurations of the remote hosts. Therefore, the non-affect is in relation to the repository carrying on without any consideration or adjustment, whatsoever, of changes made to the configurations of the remote hosts. In other words, the repository settings completely ignore all changes to names and configurations of remote hosts (which may be a foundation for enablement issues).

If this is not the correct interpretation, then to what extent are the repository settings affected? Moreover, which repository settings, in particular, are consequently affected?

Dependent claims 3-7, 10-14, 17-21, and 51-52 are rejected for fully incorporating the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-5, 7, 8, 10-12, 14, 15, 17-19, 21-47, and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tripp et al. ("Tripp"), U.S. Patent No. 6,976,053.

Regarding independent claim 1:

A method for maintaining a centralized index of documents stored in a plurality of independent document repositories (see Title and Abstract), the method comprising:

➤ *monitoring a networked computing environment for publish events for a first published document (see col. 6 lines 52-67 and col. 7 lines 1-28: Tripp teaches monitoring objects stored on a network to detect changes in one or more of the objects for a first published document (i.e., publish events));*

➤ *responsive to detecting a publish event, relaying a published document's meta data to a document index hub which indexes and categorizes the document's meta data (...) and wherein the names and configurations of the one or more remote hosts may be changed without affecting repository settings (see col. 5 lines 46-64 et seq. and col. 16 lines 40-59: Tripp teaches a method of constructing a searchable index of object references to objects stored on a network including at least one computer storing the index. The other computers on the network store a plurality of objects and are each designated a source site. The method includes running on each source site an agent program that*

processes the contents and the meta data related to objects stored on the source site, thereby generating meta data describing the object for each object that is processed. The generated meta data is transmitted by the agent program on each source site to at least one cataloging site. The transmitted meta data is then aggregated at the cataloging site (i.e., index) to generate the catalog of object references. Furthermore, the Tripp system teaches that the repository settings and functions can operate seamlessly even when the names and configurations of the remote hosts are changed (i.e., deleted, modified, etc.)).

Tripp suggests (see Abstract and col. 10 lines 5-27: Tripp teaches wherein the metadata comprises channel information (i.e., categorization information) detailing which of a plurality of channels the document is to be copied to where the channel represents at least one of the remote storage devices), but does not explicitly teach:

➤ *copying the published document to at least one remote host associated with a channel identified by the meta data wherein the at least one channel corresponds to one or more remote hosts...*

However, it was commonly known to those of ordinary skill in the art and would have been obvious at the time the invention was made to a person having ordinary skill in the art to copy the entire published document to at least one remote channel identified by the meta data (see Tripp Background – col. 2 lines 47-59) for the

motivational purpose of updating centrally stored data or a central database from remotely stored data on a network.

Independent claims 8 and 15 incorporate substantially similar subject matter as independent claim 1, and are rejected along the same rationale.

Regarding claims 3, 10, and 17, Tripp teaches mapping a document's meta data to a uniform meta data format (see col. 5 lines 46-64 *et seq.*).

Regarding claims 4, 11, and 18, Tripp teaches that responsive to a determination that the document does not have meta data, creating meta data and adding the meta data to the document (see col. 7 lines 32-41).

Regarding claims 5, 12, and 19, Tripp teaches wherein the document is one of a video document, a graphic document, and an audio document (see col. 7 lines 42-49).

Regarding claims 7, 14, and 21, Tripp teaches that responsive to a determination that the document belongs to a group of documents, adding a meta tag indicating that the document belongs to a group of documents and an indication of the identity of the other documents within the group of documents (see Abstract; col. 5 lines 46-64 *et seq.*; col. 7 lines 42-49).

Regarding independent claim 22:

➤ *receiving a document from a contributing data processing system (see Abstract and also see col. 5 lines 1-36: Tripp teaches receiving objects (i.e., documents) from a contributing data processing system);*

➤ *mapping meta data contained within the document to standardized meta data in a standardized meta data format; determining at least one remote repository in which to store a copy of the document based on channel information contained in the meta data; and storing a copy of the document in the at least one remote repository and storing the standardized meta data in a document index hub (see col. 5 lines 46-64 et seq.: Tripp teaches a method of constructing a constructing a searchable index of object references to objects stored on a network including at least one computer storing the index. The other computers on the network store a plurality of objects and are each designated a source site. The method includes running on each source site an agent program that processes the contents and the meta data related to objects stored on the source site, thereby generating meta data describing the object for each object that is processed. The generated meta data is transmitted by the agent program on each source site to at least one cataloging site. The transmitted meta data is*

then aggregated at the cataloging site (i.e., index hub) to generate the catalog of object references).

Tripp suggests (see Abstract and col. 10 lines 5-27: Tripp teaches wherein the metadata comprises channel information (i.e., categorization information) detailing which of a plurality of channels the document is to be copied to where the channel represents at least one of the remote storage devices), but does not explicitly teach storing a copy of the document based on channel information in at least one remote repository.

However, it was commonly known to those of ordinary skill in the art and would have been obvious at the time the invention was made to a person having ordinary skill in the art to copy the entire published document to at least one remote channel identified by the meta data (see Tripp Background – col. 2 lines 47-59) for the motivational purpose of updating centrally stored data or a central database from remotely stored data on a network.

Independent claims 28 and 34 incorporate substantially similar subject matter as independent claim 22, and are rejected along the same rationale.

Regarding claims 23, 29, and 35, Tripp teaches responsive to a determination that meta data within the document implies other standardized meta data, adding the

other standardized meta data to the document (i.e., keywords, category, etc.) (see Abstract and Tables 3 and 4).

Regarding claims 24, 30, and 36, Tripp teaches receiving a search engine request from a client system (see Abstract), identifying a matching document having content and meta data matching the search criteria, and sending a search result identifying the matching documents (see Background - col. 1 line 21 to col. 4 line 67 → various search engines).

Regarding claims 25-27, 31-33, 37-39, and 41-43 Tripp teaches a plurality of search engines that incorporate the limitations of said claims including a single entry search result, hyperlinks, a search request embedded in a web page, etc. (see Background - col. 1 line 21 to col. 4 line 67).

Regarding independent claim 40, Tripp teaches:

➤ Receiving meta data and status information for a document (see Abstract; col. 5 lines 1-36; col. 6 lines 52-67; and col. 7 lines 1-28),

➤ A method of constructing a searchable index of object references to objects stored on a network including at least one computer storing the index. The other computers on the network store a plurality of objects and are each designated a source site. The method includes running on each source site an agent program that processes the contents and the meta data related to objects stored on the source site,

thereby generating meta data describing the object for each object that is processed.

The generated meta data is transmitted by the agent program on each source site to at least one cataloging site (*compare with* “translating meta information for the document to a standardized meta information format”).

➤ The transmitted meta data is then aggregated at the cataloging site (i.e., index) to generate the catalog of object references (see Abstract; col. 5 lines 46-64 *et seq.*; col. 10 lines 5-27) (*compare with* “indexes and categorizes the document’s meta data”).

Tripp suggests (see Abstract and col. 10 lines 5-27: Tripp teaches wherein the metadata comprises channel information (i.e., categorization information) detailing which of a plurality of channels the document is to be copied to where the channel represents at least one of the remote storage devices), but does not explicitly teach storing a copy of the document based on channel information in at least one remote repository.

However, it was commonly known to those of ordinary skill in the art and would have been obvious at the time the invention was made to a person having ordinary skill in the art to copy the entire published document to at least one remote channel identified by the meta data (see Tripp Background – col. 2 lines 47-59) for the motivational purpose of updating centrally stored data or a central database from remotely stored data on a network.

Regarding claims 44 and 45, Tripp teaches writing status information to a log file and errors encountered (see col. 18 lines 8-27).

Claim 46 incorporates substantially similar subject matter as claim 23, and is rejected along the same rationale.

Claim 47 incorporates substantially similar subject matter as independent claim 22, and is rejected along the same rationale.

Regarding claims 51-53, Tripp teaches responsive to a determination that the document belongs to a group of related documents, updating the meta data for at least one of the related documents to indicate that the first published document is associated with the group of related documents (see col. 5 lines 37-45 and col. 10 lines 4 *et seq.*).

7. Claims 6, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tripp et al. ("Tripp"), U.S. Patent No. 6,976,053, in view of Cooney, U.S. Patent Application Publication No. 2002/0107700.

Regarding claims 6, 13, and 20, Tripp teaches a method for creating a computer meta data index corresponding to the contents of networked computers as

discussed in independent claim 1 above, but does not explicitly teach *prompting a user to input appropriate meta data*.

However, Cooney teaches prompting a user to input appropriate meta data to a meta-index (see paragraph [0045]). Since both references are from the same field of endeavor, the motivational purpose of a more efficient means for data searching and retrieval by storing information in a meta-index and enabling users to update the information as disclosed by Cooney would have been recognized in the pertinent art of Tripp. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Tripp with the teachings of Cooney to include prompting a user to input appropriate meta data to a meta-index.

Response to Arguments

8. Examiner has withdrawn 35 U.S.C. § 101 rejections of claims 1-7 and 22-27.
9. Applicant's arguments with respect to claims filed on 7/18/2006 have been considered but are moot in view of the new ground(s) of rejection.

The new ground of rejection includes the addition of the prior art listed in the Background section of the Tripp patent, which is being relied upon for obviating the newly added limitation, "*copying the published document to at least one remote host associated with a channel identified by the meta data wherein the at least one channel corresponds to one or more remote hosts*".

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Applicant's arguments focus on the prior art's failure to teach this particular limitation. One of ordinary skill in the art would have been motivated at the time of the invention to arrive at the instant invention by combining Tripp and the prior art cited in the Background section of the Tripp reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094. The examiner can normally be reached on 11 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PNB
9/21/06


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